



**North Carolina Department of Health and Human Services  
Division of Mental Health, Developmental Disabilities,  
and Substance Abuse Services**

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Michael F. Easley, Governor  
Carmen Hooker Odom, Secretary

Michael Moseley, Director

August 7, 2006

**MEMORANDUM**

**To:** Legislative Oversight Committee Members  
Commission for MH/DD/SAS  
Consumer/Family Advisory Committee Chairs  
State Consumer Family Advisory Committee  
Advocacy Organizations and Groups  
North Carolina Association of County Commissioners  
County Managers  
County Board Chairs  
North Carolina Council of Community Programs  
State Facility Directors  
Area Program Directors  
Area Program Board Chairs  
DHHS Division Directors  
Provider Organizations  
MH/DD/SAS Professional Organizations and Groups  
MH/DD/SAS Stakeholder Organizations and Groups  
Other MH/DD/SAS Stakeholders

**From:** Mike Moseley



**Re: Communication Bulletin #60**  
Legislative Changes to the Structure of Area Boards

The North Carolina General Assembly recently enacted legislation which made several changes to Chapter 122C, the Mental Health, Developmental Disabilities and Substance Abuse Services Act of 1985. The legislation, S. L. 2006-142, became effective July 19, 2006. The full legislation may be reviewed online at <http://www.ncga.state.nc.us/Sessions/2005/Bills/House/HTML/H2077v5.html>. I want to specifically call to your attention to some of the changes that relate to the composition and structure of Area Boards:

- Appointments to the board no longer require equitable representation of the disability groups. The disability groups must still be represented, but that representation does not have to be equitable. The membership of the board must still reflect an equitable representation among the participating counties.
- Boards must now include two individuals with financial expertise. This replaces the old requirement of an individual with financial expertise or a county finance officer.
- The previous legislative language required at least fifty percent (50%) of the board to be comprised of a physician, a clinical professional from one of the disability fields, a family member or individual from a citizen's organization from each disability group and one openly declared consumer from



each of the disability groups. The new legislation states that not more than fifty percent (50%) of the members of the board shall be comprised of a clinical professional from one of the disability fields, a family member or individual from a citizen's organization from one of the disability groups and at least one openly declared consumer from one of the disability groups.

- A board member may fill concurrently no more than two categories of membership if the member has the qualifications or attributes of the two categories of membership.
- The terms of the members on an area board, other than county commissioners, are for three years (they were previously four year terms) and those members may serve no more than two consecutive terms. County commissioner members serve ex officio and may serve for as long as they are county commissioners.
- Upon the initial formation of an area board one-third of the members shall be appointed for one year, one-third for two years, and all remaining members for three years.
- Board members serving as of July 1, 2006 may remain on the board for one additional term.

If an area board is currently under the maximum number of members – 25 for most area authorities or 30 for an area authority serving eight counties with a combined population in excess of 500,000 – it may be possible to bring the composition of the area board into compliance with these new requirements immediately by adding members to meet the requirements of two individuals with financial expertise and at least fifty percent (50%) of the members not representing the physician, clinician, family, advocacy and consumer category. If an area board is currently at the maximum number of members, the appointing authorities should make new appointments in a manner that gradually brings the board into compliance with the new requirements as vacancies occur.

Should you have any questions regarding this Communication Bulletin, please contact us at [ContactDMH@ncmail.net](mailto:ContactDMH@ncmail.net).

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